

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 5:06CR24-V**

UNITED STATES OF AMERICA,                  )  
  )  
  )  
v.   )   ORDER  
  )  
SEAN SOWARDS,                                 )  
  )  
Defendant.                                     )  
  )  
\_\_\_\_\_

**THIS MATTER** is before the Court following a competency hearing during which counsel for the defendant (Mark P. Foster, Jr.) and counsel for the Government concurred with the recommendation in the competency report that the Defendant be returned to a facility for further treatment and to determine whether he can be restored to competency. The hearing was conducted on January 23, 2008 by the undersigned following receipt of two Reports from the Federal Bureau of Prisons' Metropolitan Correctional Center in New York, New York. See "Competency To Stand Trial Evaluation" and "Criminal Responsibility Evaluation," both dated December 7, 2007.

Although the second report found that the Defendant was able to tell right from wrong, that is, that he was "criminally responsible," the first concluded that he currently possesses neither rational understanding of the proceedings nor an ability to assist in his defense. Accordingly, the evaluators (William J. Ryan, Ph.D., and Elissa R. Miller, Psy.D.) recommended that the Defendant be "sent away for restoration to competency" pursuant to Title 18, U.S.C. § 4241(d).

**NOW THEREFORE, IT IS ORDERED:**

1. The Defendant shall be returned to the Metropolitan Correctional Center in New York, New York, or to such other facility as the Federal Bureau of Prisons shall select, for further treatment

and specifically for determination whether he can be restored to competency to stand trial.

2. The period of time for the further treatment and evaluation shall not exceed four months, the time to be calculated beginning upon the Defendant's arrival at the institution where the treatment and evaluation is to take place.
3. The Clerk is directed to send copies of this Order to defense counsel, the United States Attorney, the Honorable Richard L. Voorhees, and the United States Marshal, with two additional copies for transmittal by the Marshal to the Warden of the designated institution.

**SO ORDERED.**

Signed: January 25, 2008

Carl Horn, III

Carl Horn, III  
United States Magistrate Judge

